

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEPHEN DOHERTY, individually & as :
P/N/G of JACOB DOHERTY, & as :
executor/personal representative of the :
Estate of Judith Lubeck-Doherty :

CIVIL ACTION NO.: 11-1513

v. :

FIRST COLONY LIFE :
INSURANCE COMPANY :
and :

GENWORTH LIFE and ANNUITY :
INSURANCE COMPANY :
and :

GREAT AMERICAN LIFE :
INSURANCE COMPANY :
and :

GLEN R. GOLISH :
and :

GOLISH FINANCIAL GROUP, LLC :
and :
JOSHUA LUBECK :

ORDER

This cause came to be heard upon the motion of Jeffrey R. Solar, Esquire,
attorney for defendant, Joshua Lubeck, to dismiss this action for lack of jurisdiction of
the person of the defendant.

It is hereby **ORDERED** that the motion be and is hereby **SUSTAINED** and that
this action be and is hereby dismissed for lack of jurisdiction of the person of the
defendant.

Dated this day of , 2011

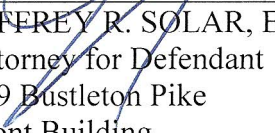
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United States District Judge

3. Any documents executed by the defendant and that are attached to Exhibit "C" of plaintiff's Complaint were as stated in the document signed in Linwood, New Jersey. In addition, defendant did not procure the death certificate attached in plaintiff's Exhibit "C" as can plainly be seen by the fact that the top of the death certificate states it was "from Stanford Lubeck".

4. The only new averment in the Amended Complaint concerning defendant, Lubeck is that plaintiff made a telephone call to the defendant after the policy was sold (paragraph 35) of the Amended Complaint. A telephone call initiated by the plaintiff to the defendant is not a sufficient contact conferring jurisdiction over plaintiff. In addition, the averments of paragraph 35 state that plaintiff's telephone inquiry took place after the policy was sold and therefore, after the alleged cause of action for fraud or conversion occurred.

WHEREFORE, defendant, Joshua Lubeck, respectfully prays that this Honorable Court dismiss the Complaint docketed above, as the court lacks personal jurisdiction of defendant.



JEFFEREY R. SOLAR, ESQUIRE
Attorney for Defendant
349 Bustleton Pike
Front Building
Feasterville, PA 19053
(215) 354-0501

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GOLISH FINANCIAL GROUP, LLC :
and :
JOSHUA LUBECK :

AFFIDAVIT OF JOSHUA LUBECK

I, Joshua D. Lubeck, defendant in the above matter swear and aver as follows:

- (1) My date of birth is June 8, 1971;
- (2) My Social Security Number is 193-48-6568;
- (3) I am Executive Vice-President-Finance of Harrison Beverage Company,
6812 Delilah Road, Pleasantville, NJ and have been employed by the company for over
fourteen (14) years;
- (4) I am a resident of 620 W. Vernon Avenue, Linwood, New Jersey 08221
for the past eleven (11) years;

EXHIBIT "A"

(5) I do not own any businesses in the Commonwealth of Pennsylvania.

(6) I did not procure the death certificate of my sister in plaintiff's Exhibit

"C".

IN WITNESS WHEREOF and under the penalty of perjury I have signed my
name below on the date below.

5/11/2011
DATE

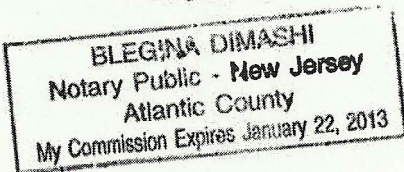
Joshua D. Lubeck
JOSHUA D. LUBECK

Sworn to and subscribed:

By me this 11 day:

Of May 20 11 :

B. Dimashi
Notary Public



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INSURANCE COMPANY	:	
and	:	
GREAT AMERICAN LIFE	:	
INSURANCE COMPANY	:	
and	:	
GLEN R. GOLISH	:	
and	:	
GOLISH FINANCIAL GROUP, LLC	:	
and	:	CIVIL ACTION COMPLAINT
JOSHUA LUBECK	:	

MEMORANDUM OF LAW

FACTS:

The instant case, per the plaintiffs' Complaint involves an alleged wrongful transfer of ownership of a life insurance policy and subsequent payment to defendant of the proceeds.

As stated in plaintiffs' Complaint and all Exhibits attached thereto, defendant, Joshua Lubeck is an individual who resided in Linwood, New Jersey at all material times stated in the Complaint.

There are no averments that defendant, Joshua Lubeck owned a business, a residence or had any contacts with the Commonwealth of Pennsylvania that would bring him within the jurisdiction of the court.

In addition, a simple telephone call to defendant initiated by the plaintiff after the selling of the policy in question is an after the fact occurrence, after the alleged cause of action arose and does not constitute minimum contact.

Defendant avers in the Complaint that jurisdiction is conferred upon the court based on diversity.

QUESTION PRESENTED:

Does the court have personal jurisdiction over the defendant, Joshua Lubeck in the instant matter.

SUGGESTED ANSWER:

No.

CASE LAW:

First the defendant must have constitutionally sufficient "minimum contacts" with the forum to grant jurisdiction to a court in a matter where jurisdiction is alleged due to diversity. Aircraft Guaranty Corporation v. Strato-Lift, Inc., 974 F.Supp. 468 471 (E.D.Pa.1997). The determination of whether minimum contacts exist requires an examination of the relationship among the forum, the defendant and the litigation, Shaffer v. Heitner, 433 U.S. 2569, 2579, 53 L.Ed.2d 683 (1977) in order to determine whether the defendant has purposefully directed activities toward residents of the forum.

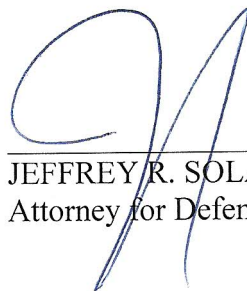
There must be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefit and protection of its laws. Hanson v. Denckla, 357 U.S. 235, 253 (78 S.Ct. 1228, 1240, 2 L.Ed.2d 1283 (1958).

In order to count for specific jurisdiction purposes the cause of action must arise out of or relate to the defendant contacts with the forum. Aircraft Guaranty Corp. at 472 quoting Helicopteros Nacionales de Colombia v. Hall, 466 U.S. 408, at 414, 104 S.Ct. 1868 at 1872 n. 8, 80 Ed.2d 404 (1984).

Second, if minimum contacts' are shown, jurisdiction may be exercised where the court determines that to do so would comport with traditional notions of fair play and substantial justice. International Shoe Co. v. Washington, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945).

In this case defendant, Lubeck does not have minimum contacts with the Commonwealth of Pennsylvania.

WHEREFORE, defendant, Joshua Lubeck, respectfully requests that this Honorable Court, not having personal jurisdiction over this defendant dismiss the Complaint as to him.



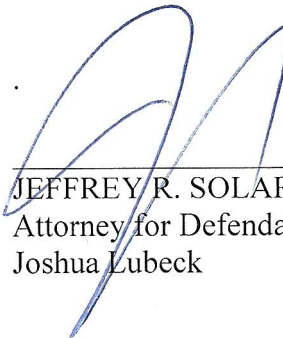
JEFFREY R. SOLAR, ESQUIRE
Attorney for Defendant, Joshua Lubeck

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CERTIFICATION OF SERVICE

I, Jeffrey R. Solar, Esquire, hereby certifies that on the 11th day of May, 2011,
I served Defendant's Motion to Dismiss upon Plaintiffs' attorney, Matthew B. Weisberg,
Esquire by regular U.S. First Class Mail.



JEFFREY R. SOLAR, ESQUIRE
Attorney for Defendant,
Joshua Lubeck